

Matthew G. Wadsworth, Esq.
(UBN: 12268)
Arnold & Wadsworth, PLLC
298 24th St., Suite 230
Ogden, Utah 84401
Telephone: 801-475-0123
Facsimile: 801-475-0393
wadsworth@arnoldwadsworth.com

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

NANCY GLAVIANO,

Plaintiff,

vs.

DIVERSIFIED CONSULTANTS, INC., and
DOES 1 through 10, inclusive,

Defendants.

Civil Action No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Nancy Glaviano, an individual consumer, against Defendant, Diversified Consultants, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §

1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant transacts business in the State of Utah, Weber County.

III. PARTIES

3. Plaintiff, Nancy Glaviano, is a natural person with a permanent residence in Ogden, Weber County, Utah 84404.

4. Upon information and belief, the Defendant, Diversified Consultants, Inc., is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 10550 Deerwood Pk Blvd., Suite 309, Jacksonville, Duval County, Florida 32256. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer, Nancy Glaviano, to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

7. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, continued to contact and harass Plaintiff after being told by Plaintiff that she was not the alleged debtor that Defendant was looking for.

8. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, attempted to communicate with Plaintiff numerous times and with such frequency as to harass and abuse the Plaintiff.

9. The natural consequences of Defendant's statements and actions were to unjustly condemn and vilify Plaintiff for her non-payment of the debt she allegedly owed.

10. The natural consequences of Defendant's statements and actions were to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

11. The natural consequences of Defendant's statements and actions were to cause Plaintiff mental distress.

12. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged debt, by continuing to contact and harass Plaintiff after being told by Plaintiff that she was not the alleged debtor that Defendant was looking for.

V. CLAIM FOR RELIEF

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

14. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

(a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and

- (b) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly and/or continuously with the intent to annoy, abuse or harass any person at the called number; and
- (c) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

15. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Nancy Glaviano, for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant, Diversified Consultants, Inc., for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.
- F. For such other and further relief as the Court may deem just and proper.

//

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE Plaintiff, Nancy Glaviano, demands trial by jury in this action.

Date: September 12, 2013

RESPECTFULLY SUBMITTED,

By: /s/ Matthew G.Wadsworth
Matthew G.Wadsworth, Esq. (UBN: 12268)
Arnold & Wadsworth, PLLC
298 24th St., Suite230
Ogden, Utah 84401
Telephone: 801-475-0123
Facsimile: 801-475-0393
Email: wadsworth@arnoldwadsworth.com
Attorney for Plaintiff
Nancy Glaviano